

HOUSE BILL No. 1712

DIGEST OF INTRODUCED BILL

Citations Affected: IC 33-11.6; IC 33-13-12; IC 33-19.

Synopsis: Judicial salaries. Increases the salaries paid to trial court, appellate court, and supreme court judges. Establishes a judicial salaries fee of \$12 to fund the salary increases. (The introduced version of this bill was approved by the commission on courts.)

Effective: July 1, 2003; January 1, 2004.

Klinker, Ulmer, Cochran, Torr

January 21, 2003, read first time and referred to Committee on Ways and Means.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

HOUSE BILL No. 1712

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 33-11.6-4-15, AS AMENDED BY P.L.141-2002,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2003]: Sec. 15. (a) The costs consist of:
4 (1) a township docket fee equal to five dollars (\$5) plus forty-five
5 percent (45%) of the infraction or ordinance violation costs fee
6 under IC 33-19-5-2;
7 (2) bailiff's service of process by registered or certified mail fee
8 of thirteen dollars (\$13) for each service;
9 (3) the cost for the personal service of process by the bailiff or
10 other process server in the amount of thirteen dollars (\$13) for
11 each service;
12 (4) witness fees, if any, in the amount provided by IC 33-19-1-6
13 to be taxed and charged in the circuit court of the county;
14 (5) a redocketing fee, if any, of five dollars (\$5);
15 (6) a document storage fee under IC 33-19-6-18.1;
16 (7) an automated record keeping fee under IC 33-19-6-19; ~~and~~
17 (8) a late fee, if any, under IC 33-19-6-20; **and**



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1 **(9) a judicial salaries fee under IC 33-19-6-23.**

2 The docket fee and the cost for the initial service of process shall be
3 paid upon the institution of each case. The cost of service rendered
4 subsequent to the initial service shall be assessed and paid after such
5 service has been made, and the cost of witness fees shall be paid before
6 the witnesses are called.

7 (b) If the amount of the township docket fee computed under
8 subsection (a)(1) is not equal to a whole number, the amount shall be
9 rounded to the next highest whole number.

10 SECTION 2. IC 33-11.6-9-1, AS AMENDED BY P.L.141-2002,
11 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2003]: Sec. 1. (a) Payment for all costs and other purposes
13 made as a result of proceedings in a division of the small claims court
14 shall be to the _____ County Small Claims Court _____ Division
15 (with the name of the county and township inserted). The court shall
16 issue a receipt, for all monies received, on a form numbered serially in
17 duplicate. All township docket fees and late fees received by the court
18 shall be paid to the township trustees at the close of each month.

19 (b) The court shall:

20 (1) semiannually distribute to the auditor of the state all
21 automated record keeping fees received by the court for deposit
22 in the state user fee fund established under IC 33-19-9; **and**

23 (2) monthly distribute to the county auditor all document storage
24 fees received by the court. The county auditor shall deposit fees
25 distributed under this subdivision into the clerk's record
26 perpetuation fund under IC 33-19-6-1.5; **and**

27 **(3) semiannually distribute to the auditor of state for deposit**
28 **in the state general fund one hundred percent (100%) of the**
29 **judicial salaries fee.**

30 SECTION 3. IC 33-13-12-7.1 IS AMENDED TO READ AS
31 FOLLOWS [EFFECTIVE JANUARY 1, 2004]: Sec. 7.1. (a) The total
32 annual salary of each full-time judge of a circuit, superior, municipal,
33 county, or probate court is ~~ninety one hundred nine thousand two~~
34 **hundred** dollars ~~(\$90,000)~~ **(\$109,200)** and any additional salary
35 provided under IC 36-2-5-14 or IC 36-3-6-3(c). The state shall pay all
36 of the total salary except for the additional salary, if any, under
37 IC 36-2-5-14 or IC 36-3-6-3(c). The state shall deposit quarterly the
38 money received from the counties under subsection (c) in the state
39 general fund.

40 (b) Before November 2 of each year, the county auditor of each
41 county shall certify to the division of state court administration the
42 amounts, if any, to be provided by the county during the ensuing

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calendar year for judges' salaries under IC 36-2-5-14 or IC 36-3-6-3(c).

(c) When making each payment under subsection (a), the county shall determine for each judge whether the total of:

- (1) the payment made on behalf of that judge;
- (2) previous payments made on behalf of that judge in the same calendar year; and
- (3) the state share of the judge's salary under subsection (a);

exceeds the Social Security wage base established by the federal government for that year. If the total does not exceed the Social Security wage base, the payment on behalf of that judge must also be accompanied by an amount equal to the employer's share of Social Security taxes and Medicare taxes. If the total does exceed the Social Security wage base, the part of the payment on behalf of the judge that is below the Social Security wage base must be accompanied by an amount equal to the employer's share of Social Security taxes and Medicare taxes, and the part of the payment on behalf of the judge that exceeds the Social Security wage base must be accompanied by an amount equal to the employer's share of Medicare taxes. Payments made under this subsection shall be deposited in the state general fund under subsection (a).

(d) For purposes of determining the amount of life insurance premiums to be paid by a judge who participates in a life insurance program that:

- (1) is established by the state;
- (2) applies to a judge who is covered by this section; and
- (3) bases the amount of premiums to be paid by the judge on the amount of the judge's salary;

the judge's salary does not include any amounts paid to the state by a county under subsection (a).

SECTION 4. IC 33-13-12-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2004]: Sec. 9. (a) The total annual salary for each justice of the supreme court of Indiana is one hundred ~~fifteen~~ **thirty-five** thousand ~~two hundred~~ **two hundred** dollars (~~\$115,000~~). **(\$135,200).**

(b) The total annual salary for each judge of the court of appeals of Indiana is one hundred ~~ten~~ **thirty** thousand ~~two hundred~~ **two hundred** dollars (~~\$110,000~~). **(\$130,200).**

(c) The state shall pay the annual salaries prescribed in subsections (a) through (b) from the state general fund.

(d) In addition to said salary, there shall be paid in equal monthly payments on the first day of each month out of any money in the general fund of the state treasury not otherwise appropriated, the

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1 following annual subsistence allowances to assist in defraying expenses
 2 relating to or resulting from the discharge of the justice's or judge's
 3 official duties, for which no accounting shall be made by such judge:

4 (1) Five thousand five hundred dollars (\$5,500) to the chief
 5 justice of the supreme court.

6 (2) Five thousand five hundred dollars (\$5,500) to the chief judge
 7 of the court of appeals.

8 (3) Three thousand dollars (\$3,000) to each justice of the supreme
 9 court who is not the chief justice.

10 (4) Three thousand dollars (\$3,000) to each judge of the court of
 11 appeals who is not the chief judge.

12 (e) The state shall not furnish automobiles for the use of justices or
 13 judges compensated under this section.

14 SECTION 5. IC 33-19-5-1, AS AMENDED BY P.L.1-2002,
 15 SECTION 133, IS AMENDED TO READ AS FOLLOWS
 16 [EFFECTIVE JULY 1, 2003]: Sec. 1. (a) For each action that results in
 17 a felony conviction under IC 35-50-2 or a misdemeanor conviction
 18 under IC 35-50-3, the clerk shall collect from the defendant a criminal
 19 costs fee of one hundred twenty dollars (\$120).

20 (b) In addition to the criminal costs fee collected under this section,
 21 the clerk shall collect from the defendant the following fees if they are
 22 required under IC 33-19-6:

23 (1) A document fee.

24 (2) A marijuana eradication program fee.

25 (3) An alcohol and drug services program user fee.

26 (4) A law enforcement continuing education program fee.

27 (5) A drug abuse, prosecution, interdiction, and correction fee.

28 (6) An alcohol and drug countermeasures fee.

29 (7) A child abuse prevention fee.

30 (8) A domestic violence prevention and treatment fee.

31 (9) A highway work zone fee.

32 (10) A deferred prosecution fee (IC 33-19-6-16.2).

33 (11) A document storage fee (IC 33-19-6-18.1).

34 (12) An automated record keeping fee (IC 33-19-6-19).

35 (13) A late payment fee (IC 33-19-6-20).

36 (14) A sexual assault victims assistance fee (IC 33-19-6-21).

37 **(15) A judicial salaries fee (IC 33-19-6-23).**

38 (c) Instead of the criminal costs fee prescribed by this section, the
 39 clerk shall collect a pretrial diversion program fee if an agreement
 40 between the prosecuting attorney and the accused person entered into
 41 under IC 33-14-1-7 requires payment of those fees by the accused
 42 person. The pretrial diversion program fee is:

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- (1) an initial user's fee of fifty dollars (\$50); and
- (2) a monthly user's fee of ten dollars (\$10) for each month that the person remains in the pretrial diversion program.

(d) The clerk shall transfer to the county auditor or city or town fiscal officer the following fees, within thirty (30) days after they are collected, for deposit by the auditor or fiscal officer in the appropriate user fee fund established under IC 33-19-8:

- (1) The pretrial diversion fee.
- (2) The marijuana eradication program fee.
- (3) The alcohol and drug services program user fee.
- (4) The law enforcement continuing education program fee.

(e) Unless otherwise directed by a court, if a clerk collects only part of a criminal costs fee from a defendant under this section, the clerk shall distribute the partial payment of the criminal costs fee as follows:

- (1) First, the clerk shall apply the partial payment to general court costs.
- (2) Second, if there is money remaining after the partial payment is applied to general court costs under subdivision (1), the clerk shall distribute the partial payment for deposit in the appropriate county user fee fund.
- (3) Third, if there is money remaining after distribution under subdivision (2), the clerk shall distribute the partial payment for deposit in the state user fee fund.
- (4) Fourth, if there is money remaining after distribution under subdivision (3), the clerk shall distribute the partial payment to any other applicable user fee fund.
- (5) Fifth, if there is money remaining after distribution under subdivision (4), the clerk shall apply the partial payment to any outstanding fines owed by the defendant.

SECTION 6. IC 33-19-5-2, AS AMENDED BY P.L.1-2002, SECTION 134, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. (a) Except as provided in subsections (d) and (e), for each action that results in a judgment:

- (1) for a violation constituting an infraction; or
- (2) for a violation of an ordinance of a municipal corporation (as defined in IC 36-1-2-10);

the clerk shall collect from the defendant an infraction or ordinance violation costs fee of seventy dollars (\$70).

(b) In addition to the infraction or ordinance violation costs fee collected under this section, the clerk shall collect from the defendant the following fees if they are required under IC 33-19-6:

- (1) A document fee (IC 33-19-6-1, IC 33-19-6-2, IC 33-19-6-3).

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(2) An alcohol and drug services program user fee (IC 33-19-6-7(b)).

(3) A law enforcement continuing education program fee (IC 33-19-6-7(c)).

(4) An alcohol and drug countermeasures fee (IC 33-19-6-10).

(5) A highway work zone fee (IC 33-19-6-14).

(6) A deferred prosecution fee (IC 33-19-6-16.2).

(7) A jury fee (IC 33-19-6-17).

(8) A document storage fee (IC 33-19-6-18.1).

(9) An automated record keeping fee (IC 33-19-6-19).

(10) A late payment fee (IC 33-19-6-20).

(11) A judicial salaries fee (IC 33-19-6-23).

(c) The clerk shall transfer to the county auditor or fiscal officer of the municipal corporation the following fees, within thirty (30) days after they are collected, for deposit by the auditor or fiscal officer in the user fee fund established under IC 33-19-8:

(1) The alcohol and drug services program user fee.

(2) The law enforcement continuing education program fee.

(3) The deferral program fee.

(d) The defendant is not liable for any ordinance violation costs fee in an action in which:

(1) the defendant was charged with an ordinance violation subject to IC 33-6-3;

(2) the defendant denied the violation under IC 33-6-3-2;

(3) proceedings in court against the defendant were initiated under IC 34-28-5 (or IC 34-4-32 before its repeal); and

(4) the defendant was tried and the court entered judgment for the defendant for the violation.

(e) Instead of the infraction or ordinance violation costs fee prescribed by subsection (a), the clerk shall collect a deferral program fee if an agreement between a prosecuting attorney or an attorney for a municipal corporation and the person charged with a violation entered into under IC 34-28-5-1 (or IC 34-4-32-1 before its repeal) requires payment of those fees by the person charged with the violation. The deferral program fee is:

(1) an initial user's fee not to exceed fifty-two dollars (\$52); and

(2) a monthly user's fee not to exceed ten dollars (\$10) for each month the person remains in the deferral program.

SECTION 7. IC 33-19-5-3, AS AMENDED BY P.L.1-2002, SECTION 135, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. (a) For each action filed under:

(1) IC 31-34 or IC 31-37 (delinquent children and children in

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need of services); or

(2) IC 31-14 (paternity);

the clerk shall collect a juvenile costs fee of one hundred twenty dollars (\$120).

(b) In addition to the juvenile costs fee collected under this section, the clerk shall collect the following fees if they are required under IC 33-19-6:

(1) A document fee.

(2) A marijuana eradication program fee.

(3) An alcohol and drug services program user fee.

(4) A law enforcement continuing education program fee.

(5) An alcohol and drug countermeasures fee.

(6) A document storage fee (IC 33-19-6-18.1).

(7) An automated record keeping fee (IC 33-19-6-19).

(8) A late payment fee (IC 33-19-6-20).

(9) A judicial salaries fee (IC 33-19-6-23).

(c) The clerk shall transfer to the county auditor or city or town fiscal officer the following fees, within thirty (30) days after they are collected, for deposit by the auditor or fiscal officer in the appropriate user fee fund established under IC 33-19-8:

(1) The marijuana eradication program fee.

(2) The alcohol and drug services program user fee.

(3) The law enforcement continuing education program fee.

SECTION 8. IC 33-19-5-4, AS AMENDED BY P.L.1-2002, SECTION 136, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. (a) For each civil action except:

(1) proceedings to enforce a statute defining an infraction under IC 34-28-5-4 (or IC 34-4-32-4 before its repeal);

(2) proceedings to enforce an ordinance under IC 34-28-5-4 (or IC 34-4-32-4 before its repeal);

(3) proceedings in juvenile court under IC 31-34 or IC 31-37;

(4) proceedings in paternity under IC 31-14;

(5) proceedings in small claims court under IC 33-11.6; and

(6) proceedings in actions under section 6 of this chapter;

the clerk shall collect from the party filing the action a civil costs fee of one hundred dollars (\$100).

(b) In addition to the civil costs fee collected under this section, the clerk shall collect the following fees if they are required under IC 33-19-6:

(1) A document fee.

(2) A support and maintenance fee.

(3) A document storage fee (IC 33-19-6-18.1).

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(4) An automated record keeping fee (IC 33-19-6-19).

(5) A judicial salaries fee (IC 33-19-6-23).

SECTION 9. IC 33-19-5-5, AS AMENDED BY P.L.164-2002, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. (a) For each small claims action the clerk shall collect from the party filing the action a small claims costs fee of thirty-five dollars (\$35). However, a clerk may not collect a small claims costs fee for a small claims action filed by or on behalf of the attorney general.

(b) In addition to a small claims costs fee collected under this section, the clerk shall collect the following fees if they are required under IC 33-19-6:

(1) A document fee.

(2) A document storage fee (IC 33-19-6-18.1).

(3) An automated record keeping fee (IC 33-19-6-19).

(4) A judicial salaries fee (IC 33-19-6-23).

SECTION 10. IC 33-19-5-6, AS AMENDED BY P.L.1-2002, SECTION 138, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 6. (a) Except as provided under subsection (c), for each action filed under:

(1) IC 6-4.1-5 (determination of inheritance tax);

(2) IC 29 (probate); and

(3) IC 30 (trusts and fiduciaries);

the clerk shall collect from the party filing the action a probate costs fee of one hundred twenty dollars (\$120).

(b) In addition to the probate costs fee collected under this section, the clerk shall collect from the party filing the action the following fees if they are required under IC 33-19-6:

(1) A document fee.

(2) A document storage fee (IC 33-19-6-18.1).

(3) An automated record keeping fee (IC 33-19-6-19).

(4) A judicial salaries fee (IC 33-19-6-23).

(c) A clerk may not collect a court costs fee for the filing of the following exempted actions:

(1) Petition to open a safety deposit box.

(2) Filing an inheritance tax return, unless proceedings other than the court's approval of the return become necessary.

(3) Offering a will for probate under IC 29-1-7, unless proceedings other than admitting the will to probate become necessary.

SECTION 11. IC 33-19-6-23 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS

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[EFFECTIVE JULY 1, 2003]: **Sec. 23. (a) This subsection does not apply to the following:**

- (1) A criminal proceeding.**
- (2) A proceeding for an infraction violation.**
- (3) A proceeding for an ordinance violation.**

In each action filed in a court described in IC 33-19-1-1, the clerk shall collect a judicial salaries fee of twelve dollars (\$12).

(b) In each action in which a person is:

- (1) convicted of an offense;**
- (2) required to pay a pretrial diversion fee;**
- (3) found to have violated an infraction; or**
- (4) found to have violated an ordinance;**

the clerk shall collect a judicial salaries fee of twelve dollars (\$12).

SECTION 12. IC 33-19-7-1, AS AMENDED BY P.L.39-2002, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. (a) The clerk of a circuit court shall semiannually distribute to the auditor of state as the state share for deposit in the state general fund seventy percent (70%) of the amount of fees collected under the following:

- (1) IC 33-19-5-1(a) (criminal costs fees).
- (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-19-5-3(a) (juvenile costs fees).
- (4) IC 33-19-5-4(a) (civil costs fees).
- (5) IC 33-19-5-5(a) (small claims costs fees).
- (6) IC 33-19-5-6(a) (probate costs fees).
- (7) IC 33-19-6-16.2 (deferred prosecution fees).

(b) The clerk of a circuit court shall semiannually distribute to the auditor of state for deposit in the state user fee fund established under IC 33-19-9-2 the following:

- (1) Twenty-five percent (25%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-19-5-1(b)(5).
- (2) Twenty-five percent (25%) of the alcohol and drug countermeasures fees collected under IC 33-19-5-1(b)(6), IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).
- (3) Fifty percent (50%) of the child abuse prevention fees collected under IC 33-19-5-1(b)(7).
- (4) One hundred percent (100%) of the domestic violence prevention and treatment fees collected under IC 33-19-5-1(b)(8).
- (5) One hundred percent (100%) of the highway work zone fees collected under IC 33-19-5-1(b)(9) and IC 33-19-5-2(b)(5).
- (6) One hundred percent (100%) of the safe schools fee collected



under IC 33-19-6-16.3.

(7) One hundred percent (100%) of the automated record keeping fee (IC 33-19-6-19).

(c) The clerk of a circuit court shall monthly distribute to the county auditor the following:

(1) Seventy-five percent (75%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-19-5-1(b)(5).

(2) Seventy-five percent (75%) of the alcohol and drug countermeasures fees collected under IC 33-19-5-1(b)(6), IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).

The county auditor shall deposit fees distributed by a clerk under this subsection into the county drug free community fund established under IC 5-2-11.

(d) The clerk of a circuit court shall monthly distribute to the county auditor fifty percent (50%) of the child abuse prevention fees collected under IC 33-19-5-1(b)(8). The county auditor shall deposit fees distributed by a clerk under this subsection into the county child advocacy fund established under IC 12-17-17.

(e) The clerk of a circuit court shall monthly distribute to the county auditor one hundred percent (100%) of the late payment fees collected under IC 33-19-6-20. The county auditor shall deposit fees distributed by a clerk under this subsection as follows:

(1) If directed to do so by an ordinance adopted by the county fiscal body, the county auditor shall deposit forty percent (40%) of the fees in the clerk's record perpetuation fund established under IC 33-19-6-1.5 and sixty percent (60%) of the fees in the county general fund.

(2) If the county fiscal body has not adopted an ordinance under subdivision (1), the county auditor shall deposit all the fees in the county general fund.

(f) The clerk of the circuit court shall semiannually distribute to the auditor of state for deposit in the sexual assault victims assistance fund established under IC 16-19-13-6 one hundred percent (100%) of the sexual assault victims assistance fees collected under IC 33-19-6-21.

(g) The clerk of a circuit court shall monthly distribute to the county auditor the following:

(1) One hundred percent (100%) of the support and maintenance fees for cases designated as non-Title IV-D child support cases in the Indiana support enforcement tracking system (ISETS) collected under IC 33-19-6-5.

(2) The percentage share of the support and maintenance fees for

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cases designated as IV-D child support cases in ISETS collected under IC 33-19-6-5 that is reimbursable to the county at the federal financial participation rate.

The county clerk shall monthly distribute to the office of the secretary of family and social services the percentage share of the support and maintenance fees for cases designated as Title IV-D child support cases in ISETS collected under IC 33-19-6-5 that is not reimbursable to the county at the applicable federal financial participation rate.

(h) The clerk of the circuit court shall semiannually distribute to the auditor of state for deposit in the state general fund one hundred percent (100%) of the judicial salaries fee (IC 33-19-6-23).

SECTION 13. IC 33-19-7-4, AS AMENDED BY P.L.1-2002, SECTION 141, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. (a) The clerk of a city or town court shall semiannually distribute to the auditor of state as the state share for deposit in the state general fund fifty-five percent (55%) of the amount of fees collected under the following:

- (1) IC 33-19-5-1(a) (criminal costs fees).
- (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-19-5-4(a) (civil costs fees).
- (4) IC 33-19-5-5 (small claims costs fees).
- (5) IC 33-19-6-16.2 (deferred prosecution fees).

(b) Once each month the city or town fiscal officer shall distribute to the county auditor as the county share twenty percent (20%) of the amount of fees collected under the following:

- (1) IC 33-19-5-1(a) (criminal costs fees).
- (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-19-5-4(a) (civil costs fees).
- (4) IC 33-19-5-5 (small claims costs fees).
- (5) IC 33-19-6-16.2 (deferred prosecution fees).

(c) The city or town fiscal officer shall retain twenty-five percent (25%) as the city or town share of the fees collected under the following:

- (1) IC 33-19-5-1(a) (criminal costs fees).
- (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-19-5-4(a) (civil costs fees).
- (4) IC 33-19-5-5 (small claims costs fees).
- (5) IC 33-19-6-16.2 (deferred prosecution fees).

(d) The clerk of a city or town court shall semiannually distribute to the auditor of state for deposit in the state user fee fund established under IC 33-19-9 the following:

- (1) Twenty-five percent (25%) of the drug abuse, prosecution,

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interdiction, and corrections fees collected under IC 33-19-5-1(b)(5).

(2) Twenty-five percent (25%) of the alcohol and drug countermeasures fees collected under IC 33-19-5-1(b)(6), IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).

(3) One hundred percent (100%) of the highway work zone fees collected under IC 33-19-5-1(b)(9) and IC 33-19-5-2(b)(5).

(4) One hundred percent (100%) of the safe schools fee collected under IC 33-19-6-16.3.

(5) One hundred percent (100%) of the automated record keeping fee (IC 33-19-6-19).

(e) The clerk of a city or town court shall monthly distribute to the county auditor the following:

(1) Seventy-five percent (75%) of the drug abuse, prosecution, interdiction, and corrections fees collected under IC 33-19-5-1(b)(5).

(2) Seventy-five percent (75%) of the alcohol and drug countermeasures fees collected under IC 33-19-5-1(b)(6), IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).

The county auditor shall deposit fees distributed by a clerk under this subsection into the county drug free community fund established under IC 5-2-11.

(f) The clerk of a city or town court shall distribute monthly to the city or town fiscal officer (as defined in IC 36-1-2-7) one hundred percent (100%) of the late payment fees collected under IC 33-19-6-20. The city or town fiscal officer (as defined in IC 36-1-2-7) shall deposit fees distributed by a clerk under this subsection in the city or town general fund.

(g) The clerk of a city or town court shall semiannually distribute to the auditor of state for deposit in the state general fund one hundred percent (100%) of the judicial salaries fee (IC 33-19-6-23).

SECTION 14. IC 33-19-7-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. (a) On June 30 and on December 31 of each year, the auditor of state shall transfer to the treasurer of state ~~six million seven hundred four thousand two hundred fifty-seven dollars (\$6,704,257)~~ **seven million three hundred fifty-two thousand forty dollars and fifty cents (\$7,352,040.50)** for distribution under subsection (b).

(b) On June 30 and on December 31 of each year the treasurer of state shall deposit into:

(1) the family violence and victim assistance fund established

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under IC 12-18-5-2 an amount equal to ~~eleven and eight-hundredths percent (11.08%);~~ **ten and eleven-hundredths percent (10.11%);**

(2) the Indiana judges' retirement fund established under IC 33-13-8 an amount equal to ~~twenty-five and twenty-one hundredths percent (25.21%);~~ **thirty-one and seventy-seven hundredths percent (31.77%);**

(3) the law enforcement academy building fund established under IC 5-2-1-13 an amount equal to three and ~~fifty-two hundredths percent (3.52%);~~ **twenty-one hundredths percent (3.21%);**

(4) the law enforcement training fund established under IC 5-2-1-13 an amount equal to ~~fourteen and nineteen-hundredths percent (14.19%);~~ **twelve and ninety-four hundredths percent (12.94%);**

(5) the violent crime victims compensation fund established under IC 5-2-6.1-40 an amount equal to ~~sixteen and fifty-hundredths percent (16.50%);~~ **fifteen and five-hundredths percent (15.05%);**

(6) the motor vehicle highway account an amount equal to ~~twenty-six and ninety-five hundredths percent (26.95%);~~ **twenty-four and fifty-eight hundredths percent (24.58%);**

(7) the fish and wildlife fund established by IC 14-22-3-2 an amount equal to ~~thirty-two hundredths of one percent (0.32%);~~ **thirty-hundredths of one (1) percent (0.30%);** and

(8) the Indiana judicial center drug and alcohol programs fund established under IC 12-23-14-17 for the administration, certification, and support of alcohol and drug services programs under IC 12-23-14 an amount equal to two and ~~twenty-three hundredths percent (2.23%);~~ **four-hundredths percent (2.04%);**

of the amount transferred by the auditor of state under subsection (a).

(c) On June 30 and on December 31 of each year the auditor of state shall transfer to the treasurer of state one million two hundred thousand dollars (\$1,200,000) for deposit into the public defense fund established under IC 33-9-14.

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